IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.980 OF 1990

ALONG WITH

WRIT PETITION NO.981 OF 1990

Shri Mahesh Sharadchandra Ajinkya ...Petitioner

Versus

Shri Markus Philips Mendosa ...Respondent

.....

Mr.R.S.Apte with Mr.M.V.Limaye i/b

Mr.B.P.Apte for Petitioner.

Mr.C.G.Parulekar for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JULY 19, 2004.

P.C.

1. Counsel for the parties fairly accept that the issues raised in both these Petitions are identical to one raised in Writ Petition No.5511 of 1989 decided by this Court on 27th August 2003 in the case of **Dr.Sharadchandra Malharrao Ajinkya (deceased) through L.Rs. vs. Maricus Philips**

Mendosa reported ion 2004(2) All M.R.134. In fact, these two Petitions were companion Petitions to above referred disposed of Writ Petition (5511/89), but were de-linked, as parties were negotiating for settlement.

2. As settlement is not possible, this Court has no option but to allow the Writ Petitions on the same terms, by setting aside the impugned order and remanding the case to the Appellate Authority to decide the same afresh on its own merits in accordance with law, as expeditiously as possible, preferably within six months from the date of receipt of writ of this Court.

3. The Appellate Authority may also consider of hearing the present remanded Petitions along with the leading case, which is already remanded by the aforesaid decision in the case of **Dr.Sharadchandra Malharrao Ajinkya (Supra)**.

4. Petitions disposed of on the above terms. No order as to costs.

A.M.KHANWILKAR, J.